

Serial No. 10/642,481  
Docket No. MA-583-US  
MAT.025

12

### III. THE 35 U.S.C. 112, SECOND PARAGRAPH REJECTION

In rejecting claims 3-5, 7-9, 11-14, 18-20, 22-24, 26-29, 33-35, 37-39, and 41-44, the Examiner alleges that the claims are indefinite for failing to particularly point out the invention.

The Examiner alleges that one with ordinary skill in the art would not have clearly understood “*said destination tag information being included in a learning frame that said network transmits to a path opposite to another path in which a main signal frame flows; and the MAC SA table cache which stores a source MAC address which has made a learning frame transmission request, said main signal frame having said source MAC address and said destination MAC address.*” (emphasis added by Applicants) as recited in claim 3, and similarly recited in claims 18 and 33. The Examiner, however, is clearly incorrect.

That is, contrary to the Examiner’s allegations, one with ordinary skill in the art would have clearly understood the claimed features, which recite that the learning frame is transmitted to a path opposite to another path in which a main signal frame flows, and main signal frame has the source MAC address and the destination MAC address, as recited in claims 3, 18, and 33.

More specifically, as set forth above in section II, at least Figs. 38-40 and corresponding description, particularly in page 62, lines 10-13, page 112, lines 21-26, page 113, lines 13-18, and page 114, lines 11-14 clearly disclose the aforementioned features of the claimed invention and the benefits that could be achieved by applying the claimed features.

Particularly, with the claimed features, even when the asymmetrical flow is flown by sending the learning frame through a path opposite to the path where the main signal frame flows, the learning process can be functioned, the network congestion can be remedied from becoming congestion, and the bandwidth usability can be improved (e.g., see Application at page 113, lines 13-18). Further, because the tag information is included in the learning frame, the setting of the forwarding tag to be added can be automated (e.g., see Application at page 114, lines 15-18).

Therefore, one of ordinary skill in the art would have sufficiently understand what is being claimed and what the “metes and bounds” of the invention covers.

Accordingly, Applicants respectfully request the Examiner to reconsider and

Serial No. 10/642,481  
Docket No. MA-583-US  
MAT.025

13

withdraw this rejection.

#### IV. THE PRIOR ART REJECTIONS

In rejecting claims 3-5, 7-9, 12, 13, 18-20, 22-24, 27, 28, 33-35, 37-39, 42, and 43, the Examiner alleges that one of ordinary skill in the art would have combined the 802.1D specification with Viswanath to render obvious the claimed invention.

Applicants respectfully submit, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, the 802.1D specification and Viswanath, either alone or in combination (arguendo) fail to teach or suggest, "*said destination tag information being included in a learning frame that said network transmits to a path opposite to another path in which a main signal frame flow,*" as recited in claim 3, and similarly recited in claims 18 and 33.

The 802.1D specification's deficiencies with regard to claims 3, 18, and 33 are clear and, as admitted by the Examiner, the alleged reference fails to teach or suggest the opposite path (Office Action at page 6, last paragraph).

The Examiner attempts to rely on Viswanath for making up the deficiencies of the 802.1D specification. The Examiner, however, is incorrect.

That is, columns 6 and 7 of Viswanath, upon which the Examiner bases the rejection, merely disclose processing of a frame with VLAN tag and the frame without VLAN tag in an integrated multiport switch. Viswanath, however, in columns 6 and 7 (or anywhere else, for that matter) fails to teach or suggest, "*said destination tag information being included in a learning frame that said network transmits to a path opposite to another path in which a main signal frame flow,*" as recited in claim 3, and similarly recited in claims 18 and 33. Thus, Viswanath fails to satisfy the plain meaning of the claim language, and therefore, fails to teach or suggest the aforementioned feature of the claimed invention.

Since Viswanath does not overcome the deficiencies of the 802.1D specification, the combination of references fails to render the rejected claims obvious.

Moreover, Applicants respectfully submit that these references are unrelated and would not have been combined as alleged by the Examiner. Thus, a person of ordinary skill in the art would not have considered combining these disparate references, absent

Serial No. 10/642,481  
Docket No. MA-583-US  
MAT.025

14

impermissible hindsight.

Further, Applicants submit that there is no motivation or suggestion in the references or elsewhere (and thus no predictability for one of ordinary skill in the art) to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicants respectfully submit that one of ordinary skill in the art would not have combined the references as alleged by the Examiner.

Therefore, Applicants respectfully submit that, one with ordinary skills in the art would not have combined the 802.1D specification with Viswanath, and even if combined, the alleged combination does not teach or suggest (or render obvious) each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Moreover, in rejecting claims 11, 14, 26, 29, 41, and 44, the Examiner alleges that one of ordinary skill in the art would have combined the 802.1D specification with Viswanath and Liu to render obvious the claimed invention.

Applicants respectfully submit, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, the 802.1D specification and Viswanath, as set forth above in section A, do not teach or suggest, *"a MAC forwarding table memory which stores an output port for a destination MAC address and destination tag information corresponding to a virtual local area network (VLAN) tagged Ethernet frame, said destination tag information being included in a learning frame that said network transmits to a path opposite to another path in which a main signal frame flows; and the MAC SA table cache which stores a source MAC address which has made a learning frame transmission request, said main signal frame having said source MAC address and said destination MAC address,"* emphasis added by Applicants) as recited in independent claim 3, and similarly recited in independent claims 18 and 33.

Moreover, Applicants submit that Liu fails to make up the deficiencies of the 802.1D specification and Viswanath.

Indeed, Liu teaches a design model 11 that includes a lookup step 13 and a forwarding translation step 15 (paragraphs [0023] and [0024]). Liu, however, fails to teach or suggest the aforementioned features of the claimed invention.

Serial No. 10/642,481  
Docket No. MA-583-US  
MAT.025

15

Indeed, the Examiner does not even allege that Liu teaches or suggests these features. The Examiner merely relies on Liu for allegedly teaching a broadcast table memory and a tag address management table.

Since Liu does not overcome the deficiencies of the 802.1D specification and Viswanath, the combination of references fails to render the rejected claims obvious.

Therefore, Applicants respectfully submit that, one with ordinary skills in the art would not have combined the 802.1D specification with Viswanath and Liu, and even if combined, the alleged combination does not teach or suggest (or render obvious) each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

#### **V. FORMAL MATTERS AND CONCLUSION**

Applicants respectfully request the Examiner's acknowledgment of the priority document.

With respect to the Examiner's objection to the drawings, Applicants submit that, as set forth above in section II, the drawings of the present Application at least in exemplary Figs. 38-40 clearly show the claimed destination tag information that is included in a learning frame that the network transmits to a path opposite to another path in which a main signal frame flows, as recited in claims 3, 18, and 33.

Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the objections to the drawings.

Furthermore, regarding the Examiner's objection to the specification, Applicants submit that, as set forth above in section II, the specification at least in Figs. 38-40 and corresponding description, and more specifically in page 62, lines 10-13, page 112, lines 21-26, page 113, lines 13-18, and page 114, lines 11-14 clearly disclose the claimed destination tag information that is included in a learning frame that the network transmits to a path opposite to another path in which a main signal frame flows, as recited in claims 3, 18, and 33.

Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this objection.

In view of the foregoing, Applicants submit that claims 3-5, 7-9, 11-14, 18-20, 22-24,

Serial No. 10/642,481  
Docket No. MA-583-US  
MAT.025

16

26-29, 33-35, 37-39, and 41-44, all the claims presently under examination in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 05/28/10

Farhad Shir  
Farhad Shir, Ph.D.  
Registration No. 59,403

Sean M. McGinn, Esq.  
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254

#### FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2442, at (571) 273-8300, on May 28, 2010.

Respectfully Submitted,

Date: 05/28/10

Farhad Shir  
Farhad Shir, Ph.D.  
Reg. No. 59,403

Sean M. McGinn, Esq.  
Reg. No. 34,386